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14 *Counsel for Defendants Alfresco Software Ltd.,*
15 *Alfresco Software, Inc. and Carahsoft Technology Corporation*

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

18 OPEN TEXT S.A.,

19 Plaintiff,

20 v.

21 ALFRESCO SOFTWARE LTD.,
ALFRESCO SOFTWARE, INC. AND
22 CARAHSOFT TECHNOLOGY
CORPORATION,

23 Defendants.

24 Civil Action No. 13-CV-04843 JD

25 **STATEMENT OF RECENT DECISIONS**

26 Hon. Judge James Donato



1 Pursuant to Local Rule 7-3(d)(2), Defendants Alfresco Software Ltd., Alfresco Software,
 2 Inc., and Carahsoft Technology Corp. (collectively “Defendants”), by counsel, provide notice of
 3 recent authorities relevant to the Defendants’ pending Motion to Dismiss Plaintiff’s First and
 4 Second Causes of Action for Failure to State a Claim (Dkt. No. 35) (“Motion to Dismiss”).

5 On September 3, 2014, after briefing of the Defendants’ pending Motion to Dismiss, the
 6 United States District Court for the Eastern District of Texas (Federal Circuit Judge William
 7 Bryon sitting by designation) issued an opinion in the case of *Loyalty Conversion Systems Corp. v.*
American Airlines, Inc., et al., No. 2:13-CV-655, --- F. Supp. 2d ---, 2014 WL 4364848 (E.D. Tex.
 8 Sept. 3, 2014) (a copy of which is attached as **Exhibit 1**). The *Loyalty* opinion addresses 35
 9 U.S.C. § 101—a subject addressed in connection with Defendant’s Motion to Dismiss (*see* Dkt.
 10 Nos. 35, 36, 43, 57)—and grants defendants’ motion for judgment on the pleadings under Rule
 11 12(c) of the Federal Rules of Civil Procedure, holding the asserted claims invalid under § 101.

12 On September 3, 2014, after briefing of the Defendants’ pending Motion to Dismiss, the
 13 United States District Court for Delaware issued an opinion in the case of *Tuxis Technologies,*
LLC v. Amazon.com, Inc., No. 13-1771-RGA, 2014 WL 4382446 (D. Del. Sept. 3, 2014) (a copy
 14 of which is attached as **Exhibit 2**). The *Tuxis* opinion addresses 35 U.S.C. § 101—a subject
 15 addressed in connection with Defendant’s Motion to Dismiss (*see* Dkt. Nos. 35, 36, 43, 57)—and
 16 grants defendant’s motion to dismiss for failure to state a claim under Rule 12(b)(6) of the Federal
 17 Rules of Civil Procedure, holding the asserted claims invalid under § 101.

18
 19 Dated: September 9, 2014

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 21 Respectfully submitted,

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 23 KILPATRICK TOWNSEND & STOCKTON

24 By: /s/ Byron R. Chin

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 26 A. JAMES ISBESTER
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 31 Alfresco Software, Inc. and Carahsoft
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